

1 ANNETTE L. HURST (SBN 148738)
ahurst@orrick.com
2 DANIEL D. JUSTICE (SBN 291907)
djustice@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
4 405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
5 Facsimile: +1 415 773 5759
6 WILLIAM W. OXLEY (SBN 136793)
woxley@orrick.com
7 ALYSSA M. CARIDIS (SBN 260103)
acaridis@orrick.com
8 ORRICK, HERRINGTON & SUTCLIFFE LLP
355 S. Grand Avenue
9 Los Angeles, CA 90071
Telephone: +1 213 629 2020
Facsimile: +1 213 612 2499

11 *Attorneys for GitHub, Inc. and Microsoft
12 Corporation*

13 [Additional Counsel Listed on Next Page]

JOSEPH R. SAVERI (SBN 130064)
jsaveri@saverilawfirm.com
STEVEN N. WILLIAMS (SBN 175489)
swilliams@saverilawfirm.com
CADIO ZIRPOLI (SBN 179108)
czirpoli@saverilawfirm.com
CHRISTOPHER K.L. YOUNG (SBN 318371)
cyoung@saverilawfirm.com
LOUIS A KESSLER (SBN 243703)
lkessler@saverilawfirm.com
ELISSA A. BUCHANAN (SBN 249996)
eabuchanan@saverilawfirm.com
TRAVIS MANFREDI (SBN 281779)
tmanfredi@saverilawfirm.com
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, CA 94108
Telephone: +1 415 500 6800
Facsimile: +1 415 395 9940

MATTHEW BUTTERICK (SBN 250953)
mb@buttericklaw.com
1920 Hillcrest Avenue, #406
Los Angeles, CA 90027
Telephone: +1 323 968 2632
Facsimile: +1 415 395 9940

*Attorneys for Individual and Representative
Plaintiffs and the Proposed Class*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

21 J. DOE 1, et al.,
22 Individual and
Representative Plaintiffs,
23 v.
24 GITHUB, INC., et al.,
25 Defendants.

27 AND CONSOLIDATED ACTION

Case No. 4:22-cv-6823-JST

Consolidated with Case No. 4:22-cv-7074-JST

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE FOR RESPONDING TO
SECOND CORRECTED FIRST
AMENDED COMPLAINT**

Courtroom: 6
Judge: Hon. Jon S. Tigar
Trial Date: None Set

1 MICHAEL A. JACOBS (SBN 111664)
mjacobs@mofo.com
2 JOSEPH C. GRATZ (SBN 240676)
jgratz@mofo.com
3 TIFFANY CHEUNG (SBN 311497)
tcheung@mofo.com
4 MELODY E. WONG (SBN 341494)
melodywong@mofo.com
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, CA 94105-2482
Telephone: +1 415 268 7000
7 Facsimile: +1 415 268 7522

8 ALLYSON R. BENNETT (SBN 302090)
abennett@mofo.com
9 ROSE S. LEE
roselee@mofo.com
10 ALEXANDRA M. WARD (SBN 318042)
alexandraward@mofo.com
11 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
12 Los Angeles, California 90017-3543
Telephone: +1 213 892 5200
13 Facsimile: +1 213 892 5454

14
15 *Attorneys for OpenAI, Inc., OpenAI, L.P., OpenAI*
GP, LLC, OpenAI OpCo, L.L.C., OpenAI Startup
Fund GP I, L.L.C., OpenAI Startup Fund I, L.P.,
16 *and OpenAI Startup Fund Management LLC*

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1 Pursuant to Northern District of California Local Rule 7-12, the parties in the above-
 2 captioned action hereby stipulate and agree as follows.

3 WHEREAS, on June 08, 2023, Plaintiffs Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the
 4 “Plaintiffs”) filed a First Amended Complaint (the “FAC,” ECF No. 98) against Defendants
 5 GitHub, Inc.; Microsoft Corporation; OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.,
 6 OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and
 7 OpenAI Startup Fund Management, L.L.C. (referred to collectively herein as “Defendants”) in
 8 the above-captioned consolidated action (the “Action”);

9 WHEREAS, on June 21, 2023, Defendants and Plaintiffs stipulated to a briefing schedule
 10 for responding to the FAC (ECF No. 105);

11 WHEREAS, on June 22, 2023, the Court granted the stipulation and set the Defendants’
 12 deadline to file motions to dismiss as June 29, 2023, Plaintiffs’ deadline to file oppositions thereto
 13 as July 27, 2023, and Defendants’ deadline to file replies as August 10, 2023 (ECF No. 106);

14 WHEREAS Defendants filed motions to dismiss on June 29, 2023 (ECF Nos. 107-110);

15 WHEREAS on July 21, 2023, Plaintiffs filed a Second Corrected FAC (ECF Nos. 134);

16 WHEREAS, the parties have conferred and agreed that the existing motions to dismiss
 17 and briefing schedule are applicable to the Second Corrected First Amended Complaint, and that
 18 the current briefing schedule ordered by the Court need not be disturbed;

19 WHEREAS, this stipulation will not alter the date of any event or deadline already fixed
 20 by Court order;

21 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

22 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
 23 and agree, subject to the approval of the Court, that the pending motions to dismiss the FAC are
 24 applicable to the Second Corrected FAC and that the briefing schedule set by ECF No. 106 is still
 25 in effect.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 DATED: July 28, 2023
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9 JON S. TIGAR
10 United States District Judge
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Dated: July 27, 2023

Orrick, Herrington & Sutcliffe LLP

15 By: /s/ Annette L. Hurst
16 ANNETTE L. HURST
17 Attorneys for GitHub, Inc. and
18 Microsoft Corporation
19
20

Dated: July 27, 2023

MORRISON & FOERSTER LLP

21 By: /s/ Joseph C. Gratz
22 JOSEPH C. GRATZ
23 Attorneys for OpenAI, Inc., OpenAI, L.P.,
24 OpenAI GP, L.L.C., OpenAI OpCo,
25 L.L.C., OpenAI Startup Fund GP I, L.L.C.,
OpenAI Startup Fund I, L.P., and OpenAI
Startup Fund
Management L.L.C.

Dated: July 27, 2023

JOSEPH SAVERI LAW FIRM, LLP

26 By: /s/ Joseph R. Saveri
27 JOSEPH R. SAVERI
28 Attorneys for Individual and
Representative Plaintiffs and
the Proposed Class